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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,143	04/21/2000	Ronald A. Schachar	PRES06-00163	6710

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EXAMINER

SHAY, DAVID M

ART UNIT

PAPER NUMBER

3739

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18

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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#### NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

The Appeal Brief filed 9/10/2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See 1092 O.G. 33, July 12, 1988 and MPEP §1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed as of the date of expiration of the period provided by 37 CFR 1.192(a). No extension of this one month time limit may be obtained under either 37 CFR 1.136(a) or (b) but the original two-month period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to six months from the date of the Notice of Appeal.

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order. (See explanation in box 8 below, if appropriate.)
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims. 37 CFR 1.192(c)(1). (See explanation in box 8 below, if appropriate.)
3. ☒ The brief does not contain a statement of the status of each amendment filed subsequent to the final rejection. 37 CFR 1.192(c)(2). (See explanation in box 8 below, if appropriate.)
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. 37 CFR 1.192(c)(3). (See explanation in box 8 below, if appropriate.)
5. ☒ The brief does not contain a concise statement of the issues presented for review. 37 CFR 1.192(c)(4). (See explanation in box 8 below, if appropriate.)
6. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto. 37 CFR 1.192(c)(7). (See explanation in box 8 below, if appropriate.)
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal. 37 CFR 1.192(c)(6). (See explanation in below 8 below, if appropriate.)

8. ☐ Explanation in support of items 1-7 above, if appropriate:

① no status of any amendments after final given  
② Explanation of the invention does not refer to the specification by page and line number nor to the drawings by figure and element number  
③ Brief includes arguments drawn to a non-appealable issue; the withdrawal of claims as drawn to a non-elected species or invention is a petitionable matter (see MPEP 1002.02(c)(2) not properly before the Board; similarly the requirement to cancel new matter in response to the official action is also petitionable (see MPEP 1002.02(c)(3)(c)) and is not properly brought before the Board.  
④ The Appeal Brief is non-responsive to the Final Action because the new matter was not cancelled as required

DAVID M. SHAY  
PRIMARY EXAMINER  
GROUP 330  
*[Signature]*